

California Statewide Conformity Working Group

10/16/2012 Teleconference:

Meeting Notes

Meeting moved faster than planned and ended at about 11:00 AM.

Introductions; housekeeping; agenda review

Added MOVES v. EMFAC discussion with ARB as requested by Leonard Seitz/Caltrans.

Public Comment on matters not on the agenda

No comments received.

Federal Updates

EPA Regulatory Update

- 2008 Ozone Phase 2 Rule
This is the SIP implementation rule for the 2008 ozone standard. Currently at OMB – no clear timeline for approval. No conformity implications – 6/2012 classification rule sets timeline (7/13/2013 conformity deadline; former ozone areas now attainment have 1997 standard revoked for conformity purposes then). SIP requirements still a little uncertain and depend on the Phase 2 Rule.
- VMT Offset
EPA released guidance & published withdrawals of previous approvals and other findings related to SJV & South Coast for ozone. Refer to FCAA Sec 182(d)(1)(a) - VMT increase offset requirement. TCMs need to address VMT increases not just emissions. In new guidance (per court decision) TCMs *and TCSs* can be used to offset VMT. Comment period ends 10/19. Addresses 9th Circuit decision challenging SJV and South Coast (Extreme area) ozone SIP approvals.
 - Q: What is TCM v TCS? EPA: TCM="108f" transportation/traffic measures (not smog check etc); TCSs is broader and can include smog check & tech measures.
 - Q: Is there a final policy? EPA: guidance is done. Comment on rules if needed.
 - Q: Effect on Severe areas for 1hr ozone, like Ventura Co.? VMT offset applies to them. But Ventura has a clean data finding. EPA: starting to look at other (Severe) areas – but not sure about Ventura. Did Clean Data finding include a VMT offset waiver? No information available.
 - EPA - Related: published clean data proposal for 6 areas for 1997 standard – areas that attained on time. Suspends some SIP requirements. NOT attainment designations. (Ventura & 5 others)
- [NAAQS Review Schedule](#) Update
New PM NAAQS proposed in June 2012. Still proposal – due by December 14 per court action. Would revise the annual standard to 12-13 ug/m³, add a secondary standard for visibility, and keep the 24-hr standard unchanged. Some conformity implications – could result in multiple PM standard versions to analyze.
 - Q: If the standard stays unchanged, is there a need to do conformity redetermination? No answer – but apparently not.

- **PM Hot Spot Quantitative Analysis Requirement**

Reminder: kicks in December –PM10/2.5 qualitative analyses cannot be started after 12/20/12 (2 years after notice on 12/20/2010). Be ready for new procedure (with EMFAC2007 if still in place).

- Q: March 13 deadline? EPA: that's for conversion to MOVES from MOBILE for regional analysis. Not applicable in CA.
- Q: if qualitative analysis is started (or even finished) before the deadline, can the project continue to get a FHWA conformity determination after 12/12? EPA: Yes. The deadline is to START analysis. Further Q: What is "starting?" A: It's some kind of documentation, usually of interagency consultation concurring in study methods & assumptions.
- Q: Based on the last class for PM quantitative analysis, does the model used have to be AERMOD? EPA: That's one of the 2 models allowed per Guidance. Further Q: So there's a determination that the project is a POAQC? Then later quantitative analysis? EPA: yes.
- Q: grace period for regional conformity – end of EMFAC 2007 on Dec 31. Do we need to start consultation on the next regional analysis before that to keep using 2007 given lack of EMFAC 2011 approval so far? EPA: Dec 31 date is not an EMFAC grace period – it's the planning assumptions issue per FHWA.

- **Conformity for 2008 Ozone Standard**

Reminder: regional conformity (re)determinations due by July 13. If FHWA conformity determination is not done by then conformity lapse will start with no grace period.

Imperial County sanctions status

([CA Sanctions Clocks List](#) handout)

- Old news but: highway sanctions letter sent on August 6 and sanctions started August 9. Much consultation among Fed/State/Local agencies prior to that. Area well-prepared; few project impacts expected. Sanctions result from 7/2010 partial disapproval of fugitive dust rule. APCD is making revisions (hearing today) based on settlement of lawsuit against EPA. Expect sanctions to end within 6 months.
 - Q: APCD hearing today on revised rule – does the revision fix the problems? EPA: staff here today are not in the review loop, but appears to be moving in the right direction; trying to follow settlement provisions.
 - Comments: an earlier hearing went over agreement & rule proposals – mainly agricultural issues. Since disapproval not a SIP action there was no conformity freeze, just hwy sanction. First time sanctions have been applied to a substantial area. EPA & FHWA worked out procedures for future use if needed. FHWA is happy with how it worked out.

Significant Litigation & Other Matters

No updates on specific cases, but almost every major action is being sued.

Federal Highways & Other Updates

- FHWA MAP21 website is worth looking at. It's a work in progress and is updated frequently. Check often. Goal is to get official guidance out, but no specific schedule yet. Send questions to FHWA Division office; they could get added to the extensive Q&As at the website.
- EMFAC 2011: after several meetings, FHWA will extend the Dec 12 conversion date –recognizing the state of development of 2011. Extension will be to June 30 2013; draft letter may be ready to go to HQ next week.
 - Q: amending 2012 RTP by May 13 – if EMFAC 2007 is extended can we use 2007 for that amendment? FHWA: yes.

- Q: another conformity analysis – FHWA will get it in June – accept 2007? FHWA- yes as long as submitted by May-early June, so FHWA can act by June 30.
- Q: Ozone transition – 7/20/13 – impact? FHWA: June 30 is flexible but won't last forever; sooner the better.
- Q: can EMFAC 2011 be used sooner than June? EPA: can use but can't submit conformity determination to FHWA that uses it before EPA's availability notice (goal of Feb-March 2013 release).
- Quantitative analysis question: transition to quantitative hot spot analysis in Dec 2012 – any guidance/relation to EMFAC transition? EPA: clarifying – quantitative analysis is not the emission model – it's the way the model is applied. FHWA letter is ONLY FOR REGIONAL ANALYSIS not project level. Grace period for project-level analysis will be in EPA's availability letter re EMFAC 2011 not FHWA's.
 - Q: when is an EMFAC 2011 letter expected? EPA: working with ARB et al – looking good but need to get revised guidance and notice out at about the same time – Spring 2013. Will also need to do new hot spot analysis training class shortly after notice published.
- New ozone conformity determinations – Q: extend June 30 ozone deadline to July 20, 2013? FHWA: June 30 is a latest SUBMITTAL DATE for new ozone conformity determinations..

ARB Updates

- EMFAC 2011 status
Covered much already. Background: released late 2011. Working on finalizing for project-level; needed to develop new procedure because of changes to EMFAC model structure. 2011 is interim step in conversion away from FORTRAN to be completed in 2013 release.
 - Q: CAPCOA has issues re lack of APCD involvement with E2011 devel – have probs with project use – use them as beta testers? ARB: good idea.
 - Q: status of next step? “2013” moving, targeting release late 2013. No other info.
 - Q: compatibility with MOVES (accels etc). ARB: interesting, but so far not an issue because we don't use it the same way.
- Q: ARB preparing for Imperial sanctions – have you decided on process? ARB: Still looking at executive officer approval rather than Board hearing to improve timeliness?

Break – not taken

Caltrans Updates

- Conformity Status Table Update ([handout](#))
No specific comments.
- SER Updates & Model Status
Q: when should revised annotated outlines be used? CTHQ: Now. Available when released.
Q: status of SO2 standard for conformity? CT & EPA: not a transportation conformity issues at this time – all of CA is unclassified/attainment
- NEPA Assignment: send out revised 23 CFR 326-7 references (formerly Section 6004/5 NEPA assignment) - done
- MAP21 implementation – conformity effects? [FHWA website](#)
 - Q: FHWA/FTA guidance re MAP21 implementation for regional conformity? FHWA: nothing specific to conformity in MAP21.

- Q: how about CMAQ? FHWA: there are some changes (discussed in California Federal Programming Group meetings).
- Q: any new requirements for regional conformity? FHWA: no changes in MAP21.

Status of Air Quality and Transportation Planning in California

(Asked that areas mention status regarding 2008 8-hr ozone conformity and SCS/lawsuit issues as they may apply to conformity.)

- BCAG: Released SCS for comment at beginning of month; doesn't include revised ozone. Will do ozone-related analysis/determination later but before deadline. Ozone analysis really just changes the base year.
- SACOG: met with ARB/AQMDs regarding travel activity data 2008 ozone areas. No lawsuits. SCS is done.
- MTC: SCS expected around the end of Spring 2013. Will do analysis for 2008 ozone before that to avoid timing issues – Nov/Dec 2012 planned for 2008 conformity release.
- SJV MPOs: working on PM2.5 SIP for 2006 standard – some challenges with APCD/ARB.
 - Expect PM2.5 conformity budgets for November release but still in development – special things included in EMFAC 2011 for SJV only.
 - Updating current ozone & P2.5 budgets because can't find conformity to existing budgets using EMFAC 2011. Revisions expected to go to APCD Board in December 2012, ARB in January 2013, and EPA in February 2013.
 - For conformity, planning to deal with 2008 ozone with the first offcycle TIP amendment, using EMFAC 2007 per FHWA's extension.
 - Completing 2014 RTPs – due by end/2013 – anticipate using EMFAC 2011 with new budgets & SCS.
 - Concern with 2040 analysis year issue because 2011 doesn't model it; have to use 2035, but fleet turnover and other continued controls are not included. Working with ARB to resolve.
 - Ozone rules – Valley planning on new 1hr O3 plan in 1st half of 2013 (should not be a conformity issue). Working with Kern APCD for E. Kern ozone – will have new budgets & 2nd maintenance SIP for PM10 in Indian Wells Valley.
 - Regions should test EMFAC 2011 against existing budgets – SJV determined they couldn't make it work. Doublecheck!
 - Need to run EMFAC 3 times for each conformity run – default + adjustments for recession & rules since E2011.
- James Worthley – SLOCOG – having consultation meetings. Would like details for EMFAC 2011 in SJV. SJV: will be a month or so before information is available.
- SCAG: RTP/SCS accepted by Regional Council & ARB. Also:
 - SCAG adopted 2013 FTIP in September for December 2012 FHWA deadline.
 - 2012 AQMP: SCAG has done a summary 2012 RTP/SCS & RACM analysis. Also covers new TCM & TCS requirements for VMT offset.
 - Have started redetermination for 2008 ozone standard – expect to complete early 2013.
 - 1st amendment of 2012 RTP to be presented to TCWG next week.
 - Imperial – if all goes well sanctions may end early in 2013.
 - Q: is the first RTP amendment a full amendment and TIP-aligned? A: yes – provides consistency between RTP and TIP.

- Q: when RTP is amended in June-July (for 2008 ozone?) will there be another TIP amendment for consistency? A: FTIP staff should be asked – but may do it concurrently.
- Have reviewed E2011 – should meet current budgets using new model.
- SANDAG: recently approved 2012 RTIP with conformity redetermination for 2050 RTP.
 - Analysis for 2008 ozone standard will be done before the July deadline – probably with a TIP amendment a little earlier than normal cycle.
 - SDAPCD: attained the 1997 ozone standard. Submitting maintenance SIP & redesignation request (APCD board Dec 5, ARB Dec 6). Will set new emission budgets using EMFAC 2011. Budgets effective when EPA finds them adequate (and EMFAC 2011 available).
EPA: yes. Takes about 3 months to do adequacy – should work if E2011 is made available around March 2013. Budgets used for conformity finding need discussion.
 - SCS in litigation. No information on status/effect on other activities.
- South Coast AQMD: All drafts for 2012 AQMP have been released including SocioEconomic & CEQA.
 - CEQA review ends 10/23/12.
 - AQMD advisory meeting on Thursday at AQMD for socioeconomic study.
 - Hearings scheduled for November & adoption in December – will have special meeting if needed.
 - Q: what triggered 2012 AQMP? A: Ozone & PM2.5 – PM2.5 was the real trigger but covering ozone too.
 - SCAG: 2012 AQMP also covers new 1-hour ozone requirements.

Information Sharing

Q about SMOKE model. EPA: this is a processor used with MOVES not EMFAC.

Next meeting – March 2013 teleconference to be arranged via Doodle poll as usual.

Adjourn (actual time about 11:00 AM)